



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

January 28, 2004

Board of Selectmen
Town of Alton
3945 Bennoch Road
Alton, Maine 04468

RE: Request for Public Hearing - West Old Town Landfill Amendment
Application for Vertical Increase; DEP #S-020700-WD-N-A

Dear Messrs Borja, Miller and Kennedy:

I write in response to your request for an adjudicatory hearing on the West Old Town landfill amendment application. The standards in the Department of Environmental Protection rules limit the application review to environmental issues, while the comments made at last Wednesday's public forum included broader issues, such as the contractor selection process and public involvement. Although your request for an adjudicatory hearing did not meet the DEP criteria for a hearing, I believe the broader issues raised warrant a second public forum. Accordingly, DEP, along with the State Planning Office, Department of Transportation, city leaders, and involved companies, will hold an additional public meeting in the next few weeks. We will provide details of this session shortly.

The Old Town facility is a licensed landfill and DEP's review in this case is limited to the amendment request. DEP's Chapter 2, Rules Concerning the Processing of Applications and Other Administrative Matters, requires public hearings when the Department determines there is "credible conflicting technical information regarding a licensing criterion and it is likely that a public hearing will assist the decision maker in understanding the evidence". Your December 10, 2003 request does not provide conflicting technical information.

Your letter discussed your position that the Town of Alton should be considered a host community and be provided host community benefits as a result of language in the Resolve that allowed the purchase of the West Old Town Landfill

by the State. Please note that the statutes you refer to you in your letter come under the purview of the State Planning Office, not the Department of Environmental Protection. It is my understanding you are now talking with the State Planning Office about being provided with host community benefits.

I encourage you to provide any comments on this application that you have related to the licensing criteria of the Solid Waste Management Regulations to Cyndi Darling, the Department's project manager for this project, as soon as possible.

Sincerely,

Dawn R. Gallagher
Commissioner